the Defender
CHILDREN'S HEALTH DEFENSE NEWS & VIEWS

Order Now! "The Wuhan Cover-Up" by RFK Jr.!

12/12/23 • BIG TECH › NEWS

CHD Funds Lawsuit on Behalf of Man Who Says Verizon Cell Tower Triggered Life-Threatening Cardiac Events

The lawsuit, filed today, could set an important legal precedent that would help people like Henry "Hank" Allen, who have electromagnetic sensitivity, fight back against cell towers being placed near their homes.

By **Suzanne Burdick, Ph.D.**
Brenda Baletti, Ph.D.

18

Miss a day, miss a lot. *Subscribe to The Defender's Top News of the Day.* ***It's free.***

An Idaho man alleging the radiofrequency radiation emitted by a cell tower installed next to his home triggered more than 15 episodes of atrial fibrillation today sued Verizon and other companies involved in the operation of the tower.

Henry "Hank" Allen, age 53, said his electromagnetic sensitivity (EMS) makes him vulnerable to life-threatening cardiac episodes, which began in April 2021, when Verizon activated the tower.

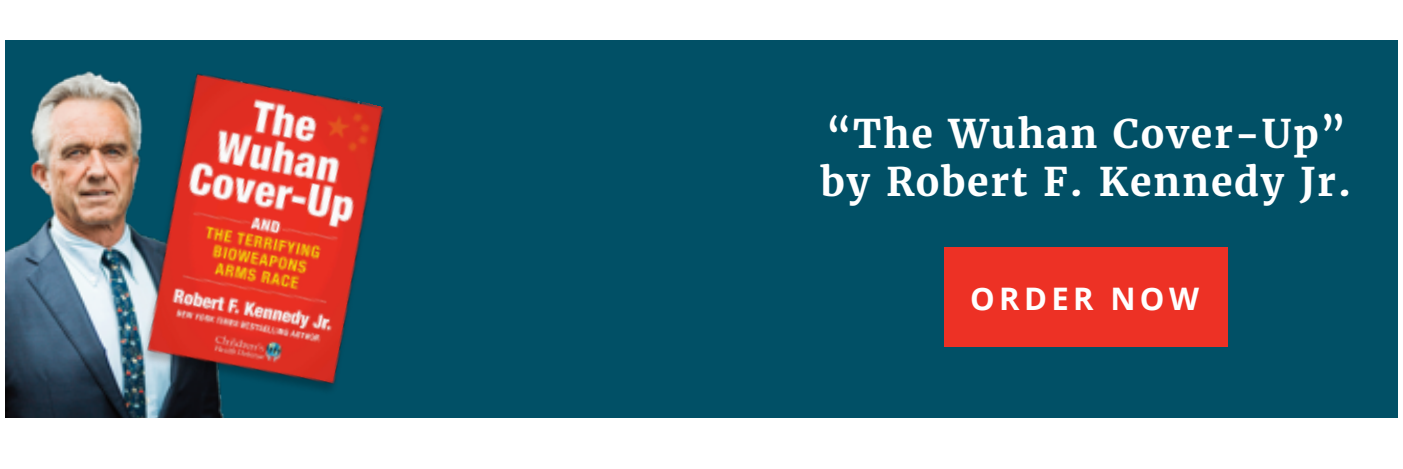
The lawsuit, funded by Children's Health Defense (CHD) and filed in the U.S. District Court for the District of Idaho Southern Division, could set an important legal precedent that would help others with EMS who want to fight back against having a cell tower placed near where they live.

W. Scott McCollough, lead litigator for CHD's Electromagnetic Radiation (EMR) and Wireless cases, told The Defender:

> "It's becoming really clear that this massive deployment of wireless technology everywhere is functionally prohibiting a large number of people from being able to participate in society or even live safely in their own homes.
>
> "This case is designed to recognize the fact that wireless technology does indeed make a lot of people sick, and also to give them some much needed relief."

In addition to Verizon, defendants in the suit include Horizon Tower LLC, which owns and operates the tower, and telecommunication providers AT&T and Dish Wireless, which also own and operate equipment at the tower site.

According to the lawsuit, Allen said the high levels of radiofrequency (RF) radiation emitted by the tower also exacerbated other EMS symptoms, including tinnitus, extreme fatigue, impaired memory and vision, sleep disruption, and flu-like symptoms.


"The Wuhan Cover-Up"
by Robert F. Kennedy Jr.
ORDER NOW

EMS, sometimes called electromagnetic hypersensitivity (EHS) or microwave syndrome, is the "medical term" for a federally recognized condition — protected under the Americans with Disabilities Act (ADA) — in which individuals suffer adverse health effects due to electromagnetic field (EMF) exposure.

Up to 30% of the U.S. population experiences mild EHS, 1.5-5% have moderate cases of the condition, approximately 1.5% suffer severe cases like Allen's, and approximately 0.65% cannot work at all because of their disability.

The complaint said Allen "lives and works in constant fear for his health and his very life" because of the constant RF exposure he is subjected to and the defendants "refuse to recognize the federal disability laws that would solve the conflict."

McCollough said in a press release the lawsuit is a civil rights case that offers "a new legal theory" under the ADA:

> "Federal courts must apply federal disability laws to protect people disabled by RF radiation coming from cell towers.
>
> "If Hank's case is successful, the court will either remove the tower, or otherwise order the telecom defendants to modify their operations in order to not so intensively beam RF radiation through Hank's home so he can live in peace."

More lawsuits like this are coming

Allen's case is the first in a series of strategic cases that CHD will fund later this year and in 2024 on behalf of individuals with EMS, according to Miriam Eckenfels-Garcia, director of CHD's EMR program.

"In these lawsuits, we are leveraging federal disability laws to petition for reasonable accommodation for clients that have been disabled by RF radiation coming from a cell tower near them," Eckenfels-Garcia told The Defender.

In addition to protecting disabled people individually, she said, the cases are testing whether the ADA can be used "as an effective means to push back against the uncontrolled rollout of wireless infrastructure."

"We are very excited to launch this new strategic line of cases, which we hope will shift the paradigm for people severely harmed and disabled by RF radiation," she said.

McCollough said these cases are significant because the number of people affected by EHS is substantial. "We're talking millions of people, and hundreds of thousands for whom it just ruins their lives completely."

"The numbers are such that, frankly, we expect to find that it overwhelms the people who are already disabled by other causes," he added, and people disabled by EHS must also be accommodated under the ADA.

Man moves to rural Idaho to escape RF radiation

Allen was diagnosed with EMS in 2014 while working as a licensed general contractor in California on job sites with high RF radiation.

After realizing how exposure to RF radiation was exacerbating his EMS symptoms, he and his family decided to relocate to a small farm in Idaho roughly two miles away from a cell tower.

Allen also changed careers to minimize his exposure to RF radiation by getting licensed as a real estate broker and working from his home, which he hardwired for internet access.

With these changes, Allen was able "to successfully live and work normally from home despite his disability" — until April 2021, when Verizon built a cell tower next to his property.

Shortly after Verizon turned on the tower, Allen's health "took a dramatic downturn" as he suffered atrial fibrillation and was rushed to the emergency room "unsure whether he would live," the complaint said.

A doctor did an echocardiogram, ran a full blood panel, did a cardioversion to restore a regular heartbeat and gave Allen IV drugs to slow his heart rate.

Two days later, it happened again.

In March 2022, Allen had invasive heart surgery — cardiac ablation — to treat the recurrent heart rhythm problems.

However, Verizon, AT&T and Dish in 2022 added additional antennas to the tower.

"This equipment … also triggers Mr. Allen's severe and in some instances life-threatening symptoms associated with his recurring and ongoing disability," stated Allen's lawyers in an August 2023 letter to Verizon, AT&T and Dish in which they asked the companies to provide disability accommodations/modifications.

Allen has "exhausted all available self-help options," according to the complaint, including painting his house with RF-blocking paint, tinting the windows with RF-blocking tint, utilizing wire screens and wearing special clothing that blocks RF.

The RF emitted by the transmitting equipment threatens the plaintiff's life. "His condition is such that he may die as a result of the next cardiac event caused from RF exposure," the complaint alleges.

The wireless companies responded to Allen's request for a reasonable accommodation/modification by claiming that the federal disability laws do not apply to their tower operations because they do not meet the criteria for a "place of public accommodation."

The "Courts of Appeals" are split, according to the complaint, on whether a "place" refers to an actual physical structure or whether it also applies to goods, services and privileges that are also offered "virtually."

The complaint argues that the space on the tower leased to the telecommunications companies and associated infrastructure that are necessary to access the internet constitute a physical "place" subject to compliance with the ADA. It adds that given that access to the virtual realm is essential to modern life, it should also be considered a "place," under the ADA.

Although Allen subscribes to wireless services, he cannot use them without accommodation because they severely exacerbate his disability.

Local residents didn't want tower

A planning commission in Ada County, Idaho, granted Horizon a conditional use permit to construct the tower in 2018, the complaint says.

However, after local residents told their representatives that extra communications infrastructure was not necessary, elected Ada County representatives voted to overrule the commission and deny Horizon's permit application.

The tower was very unpopular in the Eagle, Idaho, community, according to the complaint, which already had extensive broadband coverage that the city had paid to install and was not dependent on the tower or antennas.

Instead, the tower and antennas were useful and lucrative to wireless companies to expand private mobile data service.

Horizon appealed and Ada County settled the dispute by reinstating the conditional use permit. The tower and its first antennas were built in 2020 and 2021 and RF began transmitting from the tower in March 2021.

The plaintiff's symptoms began soon thereafter.

Here's what Allen wants from the lawsuit

Allen hopes the court will rule on at least three things.

First, he is asking the court to rule that provisions in the ADA apply to cell towers when they transmit RF radiation through the homes and bodies of EMS-disabled individuals.

In turn, Allen hopes the court will conclude that Horizon, Verizon, AT&T and Dish violated the ADA by refusing to engage in a good faith process to accommodate his disability and that he is entitled to a remedy that will allow him to access services without being substantially injured by them.

Second, he asked the court to end the defendants' discrimination against him by mandating the tower be moved "to a new location that is reasonably calculated to avoid injuring the disabled population," meaning that it wouldn't be installed right next to other citizens with EMS.

Alternatively, he is asking the companies to be compelled to utilize their existing technological capabilities to adequately reduce the amount of RF energy directed at his home and body.

Third, he is asking the court to compel the companies to stop discriminating against him and instead make reasonable accommodations so he can access their services.

Allen is requesting a jury trial, where a jury can provide him with the requested relief, as well as attorney fees and costs.

Your support helps fund this work, and CHD's related advocacy, education and scientific research.
DONATE NOW

Defendants could 'easily' accommodate Allen's disability but refuse

According to McCollough, Allen has done "all he could" to mitigate the RF radiation levels in his home, but the nearby tower "continues to evoke severe symptoms."

McCollough in the complaint said:

> "Defendants [Verizon, AT&T and Dish] could easily and with minimal cost take action that would end these debilitating symptoms and permit Plaintiff to fully enjoy the use of the Defendant's telecommunications services, but they have refused to do so, despite Plaintiff's request for reasonable accommodations and/or modifications."

The plaintiff has tailored his request in a way that would allow the defendants to remain compliant with federal communications laws without "fundamentally altering" their goods and services.

Yet the companies' representatives "nonetheless insist" that the company owes no duty to Allen and "have refused to even consider any accommodation/modification."

According to McCollough, the companies have refused because they are concerned that complying with disability accommodation/modification request "would open the door" to them "having to engage in a reasonable accommodation/modification dialogue with all other similarly-disabled Americans."

The wireless companies' resistance to doing so is based on what's convenient for them — not what is legally required, McCollough argued.

If they are immune to the ADA, it would save them the "time and expense" of having to comply with federal disability law.

But there's no legal precedence for that, McCollough said. "Communications providers have never been found exempt from federal disability law," he added.

Watch attorney W. Scott McCollough discuss the case on CHD.TV:

Subscribe to The Defender – It's Free!
First Name.. Last Name.. Email.. SIGN UP

SUGGEST A CORRECTION

Suzanne Burdick, Ph.D.
Suzanne Burdick, Ph.D., is a reporter and researcher for The Defender based in Fairfield, Iowa.

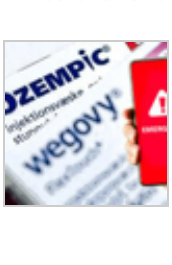
Brenda Baletti, Ph.D.
Brenda Baletti Ph.D. is a reporter for The Defender. She wrote and taught about capitalism and politics for 10 years in the writing program at Duke University. She holds a Ph.D. in human geography from the University of North Carolina at Chapel Hill and a master's from the University of Texas at Austin.

Sign up for free news and updates from Children's Health Defense. CHD focuses on legal strategies to defend the health of our children and obtain justice for those injured. We can't do it without your support

Republishing Guidelines

Donate Now
You make the difference.

Latest News

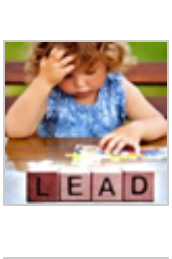

Dying to Lose Weight? U.S. Poison Control Centers Report 1,500% Spike in Calls About Popular Weight-Loss Drug

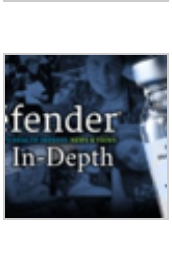
Schools, Hospitals Should Avoid Serving GMO Foods to Kids, AAP Says

Fluoride Linked to Diabetes in Kids + FDA Approves Sickle Cell Gene Therapies + More

MORE NEWS

Latest Views


Low Levels of Lead Linked to 765 Million Lost IQ Points in Kids 5 and Under


Watch: Gardasil's HPV Vaccine: Experts Weigh in on Risks, Deceptive Ad Campaigns and Lawsuits

EPA 'Safe' Limits for Pesticides on Food Geared Toward Adults, Not Kids

MORE VIEWS

Get FREE News & Updates!
First Name..
Last Name..
Email..
SIGN UP

Get Text Alerts
Sign up for breaking news from The Defender.
Currently only eligible for numbers in the U.S. and Canada.
1234567890
Phone
REQUIRED. Phone number must be in a standard 10-digit format: 1234567890 or 123-456-7890
CONTINUE

Children's Health Defense Comment Policy
We welcome relevant and respectful comments. Off-topic comments may be removed.
Please read our Comment Policy before commenting.
Got it

18 Comments Login

Join the discussion…

LOG IN WITH OR SIGN UP WITH DISQUS
Name

1 • Share Best Newest Oldest

Robin Bell
5 days ago
I also have EMS symptoms and work from home using broadband internet wifi. I have felt unhealthy since I started this job working for a major medical supply company and sitting in front of a computer screen for 8 hours a day. It has affected my relationships, my mood, and I feel a heaviness in my chest. I have not been diagnosed by the medical industrial complex. And now where I live a previous board of directors has done an underhanded back door deal to try to install a cell tower on our 400 acre property where I live in a small rural community. I have stress and anxiety about this on a daily basis. We have managed to have the installation put on hold but may face future lawsuits if it does not go through. We are trying to get the county to deny the application for everyone's health and safety. Unfortunately too many people that live in this small community do not understand the adverse health effects of putting this tower so close to our homes. It is also an obvious land grab by Vertical Bridge and Assurance Realty. They are obviously using outdated safety guidelines from the FCC. We could really use some legal help with this. Some people who live here do you have an attorney but they're going after it for the illegal contract that was signed by the previous board of directors. They're not going after them for the health and safety adverse effects. If CHD can help with this it would be greatly appreciated!
6 0 Reply • Share ›

Beckie → Robin Bell
4 days ago
Do not base your argument on health - by law they don't have to listen. But they do have to listen to how it will impact your property value and let's face it, who would want to live on property with a tower. There are already studies done on how cell towers lower property value. Good luck.
2 0 Reply • Share ›

Jennifo → Robin Bell
4 days ago
At the very least, get hard wired & read EMF*d by Mercola for steps to shield you & your home as much as you can.

For your records for any lawsuits, look up where exactly the towers are (you'll be surprised how many little ones there are) are www.antennasearch.com
2 0 Reply • Share ›

Anya Carroll → Jennifo
3 days ago
Antennasearch is a great start (and I've been gratefully using them for a few years now!), but I don't think they've incorporated small cell/5G towers yet, have they?
1 0 Reply • Share ›

Anya Carroll → Robin Bell
4 days ago
I'm interested in your legal recourse, too, so even if you post an update on here, it'd be very useful for the rest of us. Also, if you need help managing your EMF symptoms, see a reputable and experienced Chinese doctor - acupuncture saved my life (and others') from EMF damage. Feel free to reach out if you'd like to discuss symptom management. Best of luck.
1 0 Reply • Share ›

Fisher153 → Robin Bell
4 days ago
RFR- the Love Canal of the 21st century. LAN and fiber optic are both good things. There are plenty of sites, like this one that offer advice to mitigate EMF health impacts. Mercola.com has been all over this for years (yet EPA can't figure it out).

start here: https://ehtrust.org/key-iss...
1 0 Reply • Share ›

DLT88
5 days ago
SO HAPPY TO READ THIS!!!! We need to fight back! First, though, that is NOT A CELL TOWER. Check out statements by Mark Steele, UK weapons expert. He says "It has NOTHING to do with your cell phone. It's a bioweapon". I myself have been hit with the beams from it in the streetlights. You can tell because there is a knob on the top of it -- that means that streetlight has it -- they changed most all of them to this. I have gotten hit with it and been so dizzy I could not stand. It took me 3 days to recover the first time. I didn't know I was sitting under one the last time as I was having lunch at an outdoor cafe and my friend wanted to sit where some sun was coming in through the tent. When the sun was going down, they pulled down the tent -- And I saw we were sitting right underneath it! And 10 minutes before I knew that, I told my friend I was suddenly overcome with such dizzyness. And then I saw that foul bioweapon streetlight right there over me. I'm sick all the time now. I sleep and sleep and sleep. A guy was was doing work for the phone company said "I wish people would wake up to what that really is." The evil ones have waged war on the whole planet.
5 0 Reply • Share ›

Jennifo → DLT88
4 days ago
Look into how you can remediate your symptoms to help. You can do some really helpful things (turn off your wifi, hard wire your home, foot detox baths, ground yourself, remediate your home, if you're a woman, eliminate underwire bras that keep that RF/EMF frequency up around your heart, get rid of any dirty electricity in your home, change out your CFL/LED bulbs that you sit near, etc.).

We are energy therefore we can & do pick up/absorb energy around us very much like when you walk into a room where you feel someone's mood/energy/irritability or like how animals sense your fear/anxiety. I think it's fascinating.

It can be a huge rabbit hole but we have no choice anymore. My tinnitus hasn't gone away but doesn't scream as much as it did & I don't get my heart palpitations as much anymore. Still working on the interrupted sleep patterns.

What's even more angering is the amount of people who have NO clue what this technology is doing to them & think WE'RE crazy.
3 0 Reply • Share ›

holisticpoet
5 days ago
The fact that these radio frequencies are causing harm to people is enough for the federal government to ban this technology altogether. The fact that these companies are refusing to do any sort of accommodation shows that they could care less that their using of this technology is harming others. A society that cares not for its inhabitants is a society that is not long for this world. If the courts do not offer some relief for Mr. Allen, as a society and a people we are heading down a dark road.
3 0 Reply • Share ›

Fisher153 → holisticpoet
4 days ago
Amen. "Protective principle" went out the window with "first do no harm".
0 0 Reply • Share ›

jacquelynsauriol
4 days ago
I am suddenly having intense heart palps, like nothing I have experienced before, in the last 2 months. I am unjabbed but had the mystery illness way back in Nov 2019. To the point of causing me almost to faint and have nausea. Grounding/earthing seems to help. My house has a wifi meter, I have been trying to get it removed. I live in Portland OR 97217.
2 0 Reply • Share ›

Beckie → jacquelynsauriol
4 days ago
First thing you need to do is buy a good RF meter so you know all that you are up against. They also have smart meter guards that may help until they replace yours A good person to contact is Jeromy Johnson - he gives excellent advice and guidance. His website is full of useful info
https://www.emfanalysis.com...
1 0 Reply • Share ›

disqus_IZV8CGsN4r → jacquelynsauriol
3 days ago
Me too - about 4 weeks ago at night time I started having crazy heart palpitations. They start at 11:35 or 11:40 PM every night. It wakes me up and keeps me up all night, and last night I also started feeling "pins and needles" in my arms and legs. Our "smart" meter is on that wall very close to me, but I've been sleeping in that same bed for over 14 years, never had this before. They've been doing something to street lights by our house. Heart palpitations don't happen during the day, only at night. And the heart racing is way faster and stronger than even after I ran 5 miles. I did not do barefoot grounding because it's freezing outside. But I made two bracelets out of copper wire (I cut out copper wire out of old electric cords). I put them on my arm last night, and it seemed to help stop the palpitations. I read somewhere that "spinning twisted copper wires" creates non-repeating EMF waves, which destroys the harmful repeating EMF waves. So I made various spirals, pendants, a ring, our of that copper wire, hung it in the car, it spins on it's own. I also started having panic attacks only while in a certain car - either when I drive or when I'm a passenger in the same car. Panic attacks happen on highways where there are a lot of huge towers along the way. I don't have panic attacks anywhere other than in that car. What helped - wearing jewelry. Now every time I drive I try to put on my diamond ring, or self made copper jewelry. I am going to try to sleep with golden ear rings. Also, what may help EMF damage is to load up on magnesium by taking Epsom salt baths (with addition of about a cup of borax that helps magnesium absorption). Also, eating organic raw spinach helps tremendously - it must be organic, and it must be chewed to get the vitamins directly into bloodstream through the cheeks and tongue, and to bypass intestinal candida. Supplements are pretty much useless, especially if they have citric acid that feeds candida (citric acid is made out of fungus). I am in Northern Virginia.
0 0 Reply • Share ›

jacquelynsauriol → disqus_IZV8CGsN4r
2 hours ago
Just saw this, am in Portland OR. Yah, I think we are being zapped. Too easy as I have a gdam stupid meter for electricity on the house. Already much effort into haveing it removed, currenly losing that fight without volunteering to pay fees for returning my old meter. I have most of what I need to create a grounding pad for my computer so will try and get that together today. I have also found that walnuts, fresh, do help in general, as does Hawthorne berry medicines, tincture being easy to make. Didn't know of spinach, thanks. Will also try the borax mag bath. Found that spearmint tea helped much, just yesterday, in combo with putting my feet up. I agree supplements are less helpful, and I do not trust those in gel caps since gel caps are often outsourced from China. Have you seen this docu, Schauberger, on water?

see more
0 0 Reply • Share ›

ME MCC
4 days ago
Yay!!! PLEASE stop all of this encroachment of our lives!! How about taking on the people spraying our environment, too?? This has to stop!
1 0 Reply • Share ›

Gary Brown
4 days ago
NOVEMBER 10, 2023 The Effects of Pulsed Microwaves And Extra Low Frequency Electromagnetic Waves on Human Brains? Governments Routinely "Classify Information" Pertaining to the Manipulation of the Human Nervous System

In the year 1962 the American scientist Allan H. Frey carried out experiments with pulsed microwaves, which produced clicking, buzz, hissing or knocking sounds in the heads of people at a distance of up to several thousands yards. In his report, he also wrote that with the change of parameters he can produce pins and needles sensation or perception of severe buffeting in the head and claimed that this energy "could possibly be used as a tool to explore nervous system coding… and for stimulating the nervous system without the damage caused by electrodes"

https://www.globalresearch....

see more
1 0 Reply • Share ›

Fisher153
4 days ago
RF radiation is a "complete exposure pathway" that has severe impacts to "human health and the environment". FCC rushed approvals and ignored medical evidence of harm in approving 5G (and associated) RF systems. EPA is completely absent on this matter, just as federal health protection was absent for Love Canal and other enviro disasters. Our obsession with constant online access is killing pollinators, plants, and people, the enviro tragedy of our age. 5G was rolled out under cover of COVID so industry/police-state could write-off people like Hank Allen to an ambiguously-defined disease vice the massive environmental exposure to non-ionizing, and health detrimental, radiation.
1 0 Reply • Share ›

Anya Carroll
4 days ago edited
THIS IS WHAT HAPPENED TO ME! It was just a few years ago, and unfolded almost identically....

Unlike this guy, however, I was only 27 and in perfect health - which means it can happen to ANYONE. It's terrifying, doctors ignore critical symptoms, and don't know how to handle the ones that do present (I was prescribed beta blockers, benzos, and a vegan diet - wtf?).

If anyone has any details on reaching this man, I might be able to help him reverse his sensitivity like I did mine. No one under the sun should have to suffer this way.

Also, if anyone on CHD team sees this, I WANT TO WORK FOR YOU! Please let me in on your EMF fellowship that closed before my application could even be viewed. ;)
0 2 Reply • Share ›

Subscribe Privacy Do Not Sell My Data

Children's
Health Defense®

Children's Health Defense® is a 501(c)(3) non-profit organization. Our mission is to end childhood health epidemics by working aggressively to eliminate harmful exposures, hold those responsible accountable and establish safeguards to prevent future harm. We fight corruption, mass surveillance and censorship that put profits before people as well as advocate for worldwide rights to health freedom and bodily autonomy.

MeWe gab in CHUTE

THE DEFENDER IS AVAILABLE IN:

ENGLISH SPANISH PORTUGUESE GERMAN ITALIAN FRENCH

TAKE ACTION

DONATE FREE SIGN-UP BECOME A MEMBER

Donations are tax deductible to the full extent of the law. EIN #26-0388604

Children's Health Defense • Legal Disclaimer • Terms of Use • Privacy Policy • Donate • Work for CHD • Contact • Social • Membership FAQ

© 2016 - 2023 Children's Health Defense® • All Rights Reserved • Sitemap